

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

"Vicky",

Plaintiff,

v.

Joshua Osmun Kennedy,

Defendant.

CONSOLIDATED

LEAD CASE NO. C13-17 RAJ

MEMBER CASE NO. C13-762 RAJ

DECLARATION OF CAROL L.
HEPBURN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:

August 29, 2014

WITHOUT ORAL ARGUMENT

CAROL L. HEPBURN hereby declares the following to be true and correct
under penalty of perjury of the laws of the State of Washington:

I am one of the attorneys representing the Plaintiff "Vicky" in this action herein.

DECLARATION OF CAROL L. HEPBURN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT - 1

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1. I am attorney admitted to practice law in the States of Washington and Oregon. I submit this Declaration in support of Amy and Vicky's Motion for Partial Summary Judgment in this case.
2. Attached as Exhibit A is a true and correct copy of the documentation submitted by Vicky in support of her restitution request on resentencing of defendant Kennedy in August 2012.
3. As a part of my undertaking representation of Vicky in early 2009, I assumed the responsibility of receiving notices of federal prosecutions involving her images. Through the Department of Justice Victim Notification System (VNS), and victim of a child pornography who requests notice will receive a notice of each prosecution involving her images and sometimes multiple notices in a single case advising of separate hearings in that case. Since first being designated to receive notices from VNS I have received multiple notices a day concerning prosecutions involving her images. This continues unabated to the present time.
4. Attached as Exhibit B is a true and correct copy of the subpoena dated July 3, 2014 I issued to NCMEC seeking: That portion of CVIP, Reference No. 29444, regarding the "Vicky Series." As the Ninth Circuit explained in Kennedy 643 F.3d at 1245 n. 8, "The Child Victim Identification Program at the National Center for Missing & Exploited

Children ("NCMEC") assists law enforcement in identifying the victims of child pornography. When a law enforcement agency submits copies of seized images, NCMEC returns a report identifying the child victims depicted in them." See also <http://www.missingkids.com/CVIP>. On or about July 7, 2014, NCMEC responded to the subpoena with a CVIP Report, a true and correct copy of excerpts related to Vicky which is attached as Exhibit C.

5. Attached as Exhibit D is a true and correct copy of Vicky's Complaint filed in this court on April 30, 2013.
6. Attached as Exhibit E is a true and correct copy of Defendant Kennedy's responses to Plaintiff Vicky's First Requests for Admission to Defendant.
7. Attached as Exhibit F is a true and correct copy of excerpts of the criminal trial testimony - Witnesses Derrick Donnelly and Roy Shepard.
8. I represented Vicky in her request for restitution in Mr. Kennedy's criminal matter before this court. As a part of their pursuit of restitution, after the court's resentencing of Mr. Kennedy in 2012, Amy and Vicky filed a Writ of Mandamus requesting review by the Ninth Circuit Court of Appeals of the court's order on resentencing regarding restitution. That matter is styled *Amy and Vicky v. USDC-WAWSE*, No. 73414. Amy and Vicky further filed a Petition for Writ of Certiorari to the United States Supreme Court from the Ninth Circuit's decision affirming the District Court. That petition was stayed pending the decision in *Paroline v.*

DATED this 5th day of August, 2014 at Seattle, Washington.

/Carol L. Hepburn
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